

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/587,913	MITRANI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Toan D Nguyen	2665	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/14/05.
2. ☒ The allowed claim(s) is/are 1-9, 12, 14-25, 28, 30-31 are renumbered 1-25, respectively.
3. ☒ The drawings filed on 06 June 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material .        | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Allowable Subject Matter*

1. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art fails to teach a combination of the steps of:  
wherein processing the recorded information comprises determining, responsive to the time of arrival, transit times of the at least one intercepted packet over network links connected to the respective locations and traversed by the at least one intercepted packet and

wherein the plurality of end-points comprises a source end-point and a destination end-point, and

wherein transmitting the one or more data packets comprises transmitting original packets from the source end-point to the destination end-point, and receiving corresponding echo packets returned from the destination end-point, both the original and the echo packets meeting the at least one criterion, and

wherein determining the transit times comprises determining round-trip transit times by intercepting both the original packets and the corresponding echo packets, in the specific combination as recited in the claim.

Regarding claim 16, the prior art fails to teach a combination of the steps of:

wherein the testing center is operative to determine, responsive to the record times of arrival, transit times of the at least one intercepted packet over the network links connected to the respective locations and traversed by the at least one intercepted packet, and

wherein the determined transit times comprise round-trip transit times, determined by transmitting original packets from a source end-point to a destination end-point, and receiving corresponding echo packets returned from the destination end-point responsive to the original packets, both the original and the echo packets meeting the criterion, and

wherein both the original packets and the corresponding echo packets are intercepted by the one or more network agents, in the specific combination as recited in the claim.

Regarding claim 31, the prior art fails to teach a combination of the steps of:

wherein the instructions cause the computer to determine, responsive to the recorded times of arrival, transit times of the at least one intercepted packet over the network links connected to the respective locations and traversed by the at least one intercepted packet, and

wherein the determined transit times comprise round-trip transit times, determined by transmitting original packets from a source end-point to a destination end-point, and receiving corresponding echo packets returned from the destination end-point responsive to the original packets, both the original and the echo packets meeting the criterion, and

wherein both the original packets and the corresponding echo packets are intercepted by the one or more network agents, in the specific combination as recited in the claim.

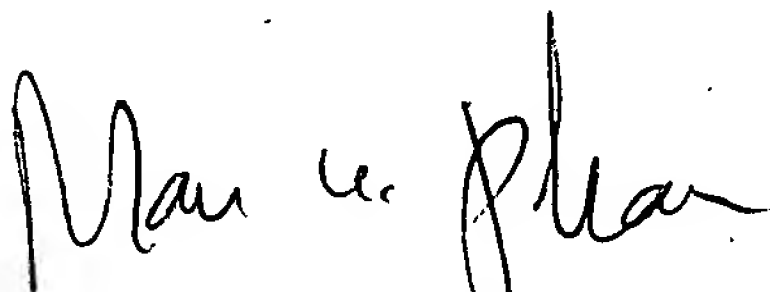
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MAN U. PHAN  
PRIMARY EXAMINER